

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:)	Docket No.:	4240-142
Applicants:)	Conf. No.:	1480
Application No.:)	Art Unit:	1652
Date Filed:)	Examiner:	Mohammad Y. Meah
Title:)	Customer No.:	
NOVEL RUMEN BACTERIA)		
VARIANTS AND PROCESS)		
FOR PREPARING SUCCINIC)		
ACID EMPLOYING THE)		
SAME)		

23448

DECLARATION UNDER 37 C.F.R. §1.132 OF PUBLIC AVAILABILITY OF
***Mannheimia* sp. LPK7 IN U.S. PATENT APPLICATION NO. 11/228,927**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The undersigned declarant does hereby declare:

1. The following microorganism was deposited according to the Budapest Treaty with the Korean Collection for Type Cultures (KCTC): *Mannheimia* sp. LPK7 deposited April 22, 2004 and assigned KCTC Accession Number KCTC 10626BP.
2. Korea Advanced Institute of Science and Technology of Daejeon, Korea is the assignee of the entire right, title and interest of the invention described and claimed in the above-named application, as evidenced by an assignment recorded in the United States Patent and Trademark Office on May 26, 2006, at Reel 017943, Frame 0909 (3 pages).
3. Korea Advanced Institute of Science and Technology agrees that upon allowance and issuance of the above-named application as a United States Patent, all restriction

on availability of the deposits designated in paragraph 1 hereinabove will be irrevocably removed.

4. Access to the aforementioned deposits will be available during the pendency of the above-identified patent application to one determined by the Commissioner to be entitled thereto under 35 U.S.C. § 122 and 37 C.F.R. § 1.14.
5. A copy of the "Receipt in the Case of an Original Deposit" form for the deposit designated in paragraph 1 is attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
Korea Advanced Institute of Science
and Technology
By Attorneys for Applicants

Date: October 8, 2008

/steven j. hultquist/
Steven J. Hultquist
Reg. No. 28,021

Date: October 8, 2008

/kelly k. reynolds/
Kelly K. Reynolds
Reg. No. 51,154

Enclosures:

Receipt in the Case of an Original Deposit KCTC 10626BP [1 page]
Viability Statement KCTC 10626BP [1 page]

<p>The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 08-3284</p>
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issued pursuant to Rule 7.1

1. IDENTIFICATION OF THE MICROORGANISM

Mannheimia sp. LPK7

KCTC 10626BP

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

[x] a scientific description

[] a proposed taxonomic designation
(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I above, which was received by it on **April 22 2004**.

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depositary Authority on _____ and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Korean Collection for Type Cultures

Address: Korea Research Institute of
Bioscience and Biotechnology
(KRIBB)
#52, Oun-dong, Yusong-ku,
Taejeon 305-333,
Republic of Korea

Signature(s) of person(s) having the power
to represent the International Depositary
Authority of authorized official(s):




PARK, Yong-Ha Director
Date: **April 27 2004**

INTERNATIONAL FORM
VIABILITY STATEMENT

issued pursuant to Rule 10.2

TO : LEE, Sang Yup
Korea Advanced Institute of Science and Technology
373-1 Guseong-dong, Yuseong-gu, Daejeon 305-701
Republic of Korea

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name : LEE, Sang Yup Address : Korea Advanced Institute of Science and Technology 373-1 Guseong-dong, Yuseong-gu, Daejeon 305-701 Republic of Korea	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCTC 10626BP Date of the deposit or of the transfer: April 22, 2004
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on September 1, 2006 . On that date, the said microorganism was [<input checked="" type="checkbox"/>] viable [] no longer viable	
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED	
Culture medium : LB+glucose 10g/L Culture condition : 37°C	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Korean Collection for Type Cultures Address: Korea Research Institute of Bioscience and Biotechnology (KRIBB) #52, Oun-dong, Yusong-ku, Taejeon 305-333, Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  OH, Hee-Mock, Director Date: September 7, 2006